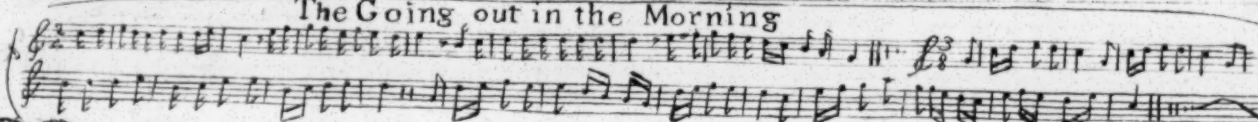




The Going out in the Morning



A COMPLETE

S P O R T I N

EDGAR first preserved the Game with rigorous Orders. Thirty-six Towns in Hampshire for making New Fere. the KING, exempting none from personal Services at viz. Magna Charta and Charta Forestæ. Thus their Grievances were removed, and the Game preserved from Time

ice of the Nobility; but they were eased by CA. efforts inflicted Death upon such as killed Deer in feat in Eyre, that the Barons were exasperated, and

DEERS.

NONE shall lose Life or Member for killing of Deer, but be fined; and if he has nothing, to be imprisoned a Year and a Day (and with Sureties) to be delivered, or abjure the Realm. Peers passing a Forest may kill one Deer, if they are sent for by the King with View of the Forester: *Chart. Forest.* None shall kill or chase Hares or Conies in Parks or enclosed Grounds in Pain of three Months Imprisonment, to pay treble Damages, and be bound with Sureties for Behaviour for seven Years, or remain; or the Party grieved Satisfied and then the Behaviour to be released: *Stat. 3. J. 1.* Those that kill, hurt, or take away Deer, in any Ground where Deer are kept, without Consent of the Owner, &c. or aiding therein, if convicted before one Justice within six Months, forfeit 20*l.* to be levied by Distress, and for want to be committed to the House of Correction for six Months, or the common Goal for one Year, and not to be discharged till Security given for good Behaviour for one Year after Enlargement: *13 Car. 2.* If any hunt, take in Toils, kill, wound, or take away any Deer in Forest, Chase, Perlieu, Paddock, or other inclosed Grounds where Deer are usually kept, or be aiding therein within twelve Months, forfeits 20*l.* for every Deer taken, wounded, or killed; 30*l.* to be levied by Distress; and, for want, to be Imprisoned a Year, and Pilloried. Constables with a Warrant may enter and search for Venison, Skins of Deers, or Toils; being found, and not giving a good Account how come by, upon Oath, to be subject to the Penalties of killing of Deer; and the Constable may detain such Offenders two Days, if they don't pay the Money upon Conviction. The Owners or any Acting under them, may resist such Offenders, as if such a Fact had been committed in any Chase or Park: *Stat. 3 and 4. W. & M.* After Conviction upon the above Statute by a Superior Court, and delivering a Rule to a Justice, he may proceed as if a *Procedendo* was granted. The Person convicted upon *Stat. 4 & 5 W. & M.* shall before his Discharge be bound to the Party grieved in 50*l.* with Good Behaviour, and, if he refuses, to be committed to Goal till he doth; and if after such Bond given he shall be again convicted upon that Statute, the Bond to be forfeited, and the Penalty with Costs to be recovered in any Court in *Westminster*, and the Party likewise liable to the Penalty of the Act. If any Keeper or any Officer of a Forest, &c. where Deer are kept, shall be convicted of killing, taking away, or aiding, &c. without Consent, forfeits 50*l.* for each Deer, to be levied by Distress, and for want to be committed for three Years, and fet in the Pillory two Hours, as above. Entering into any Park, Paddock, or inclosed Ground where Deer are kept, and wilfully killing or aiding, and being convicted before a Judge of Assize, shall be sent to the Plantations for seven Years; and the Court may make an Order to transfer such a Person for the use of him who shall contract for the Transportation: *Stat. 5 Geo. 1.* If any Person disguised shall appear in any Forest, &c. where Deer are kept, or in any Warren where Hares or Conies are kept, or in any Highway, Heath, Common or Down, to hunt, kill, or steal away Deer, or rob any Warren or Place, where Hares or Conies are kept, shall be adjudged guilty of Felony, and suffer Death without Benefit of Clergy: *Stat. 9 Geo. 1.* This Statute continued by *Stat. 6 Geo. 2.* If any hunt, kill, or wound Deer in Forests, Chases, &c. where Deer are kept, are to be Transported; and if return, to suffer Death without Benefit of Clergy: And if any Person armed come into any Forest, &c. where Deer are kept, with an Intent to course, hunt, &c. Deer, and shall Beat or Wound any Keeper or Page of Forest, Chase, Park, &c. their Servants or Assistants, shall be Transported for seven Years; and if return into Great Britain or Ireland to be adjudged guilty of Felony, and suffer Death without Benefit of Clergy: *Stat. 10 Geo. 2.* He that hath Land adjoining to a Chase may hunt Deer out of his own Grounds with little Dogs, but not with Beagles; and if the Dogs follow into a Chase, and the Owner beat them back, Trespass does not lye: *18 Hen. 6.* If Dogs break their Leash and kill Deer in a Park against the Owner's Will, and he call them back, he shall not be punished; but if he does not what he can to hinder them, it is a Trespass: *48 Ed. 3.* He that steals Tame Deer, knowing them to be so, is guilty of Felony; *2 Inst. 201.* Concealing Deer killed by another is finable by a Justice-Court: *W. Jones 275.* None shall keep Deer-hays or Buck-stalls save in his own Forest or Park, in pain of 40*l.* for every Month: *Stat. 19 Hen. 7.*

HARES.

Traced or killed in the Snow, the Penalty 6*s.* 8*d.* *Stat. 14 & 15 Hen. 8.* Constables, Tythingmen, or Headboroughs, may search as for Deer; and if any Game is found, and an unqualified Person can't give an Account how come by, shall pay for every Hare, &c. not under 5*s.* nor exceeding 20*s.* to be levied by Distress, and for want to be committed to a House of Correction not exceeding a Month, nor less than ten Days. If Hares or other Game be found in any House, Shop, or Possession of Persons not qualified, the same shall be adjudged exposing to Sale. To kill or destroy Game in the Night shall incur the same Forfeitures as any Higler, Chapman, Carrier, Victualler, Inn-keeper, or Ale-house-keeper, who shall have in his Custody any Hare, Pheasant, Moor, Heath-Game, or Grouse; or shall buy, sell, or offer to sell any Hare, &c. (unless Game in the Hands of a Carrier sent by a Person qualified) shall forfeit 5*l.* or, for want of Distress, to be committed to the House of Correction, for the first Offence three Months, without Bail, and for every other four Months; and any Person that buys or sells such Hare, &c. and within three Months makes Discovery of any Higler, &c. that hath bought, sold, or offered, &c. so as one be convicted of such Offence, the Discoverer shall be discharged of such Penalties, and receive the same Benefit as any other Informer. Justices and Lords of Manors within their respective Liberties may take away any Hare, Pheasant, &c. from Higler, &c. and Persons not qualified, if found in their Custody: *Stat. 5 Ann.* It is a Trespass to hunt or kill a Hare in a Forest: *Marw. 175.* If a Man starts a Hare in another's Ground, and kills it there, it is the Hare of the Owner of the Ground: *2 Salk. 256.*

CONIES.

If any enter Ground kept for breeding of Conies, tho' not inclosed, or chase, take, or kill any, without the Consent of the Owners, shall render treble Damages with Cost, and be Imprisoned three Months, and till they find Sureties for their good Abearing. Persons that kill or take in the Night-time Conies upon the Borders of Warrens, or other Grounds used for keeping of Conies, except Owners, &c. shall make recompence within such Time as shall be appointed by the Justice before whom convicted, and pay the Overseers of the Poor such Sum as he shall think fit, not exceeding 10*s.* in default to be committed to the House of Correction for any Time not exceeding a Month; and they that use Snares, or other Engines, to be liable to the same Penalty: *Stat. 22, 23 Car. 2.* If a Man makes Coney-burrows in his own Ground, if the Conies run into his Neighbour's he may kill them, but it is otherwise if they are killed by those who have a Right of Common only: *Godb. 122. 2 Leon. 201. Cro. Eliz. 876. Owen 114.* A Man who has a Right of Common can't fill up Burrows: *2 Cro. 229.* But if Conies multiply so fast, that another can't have his Right, he may have an Action upon the Case: *1 Lutw. 107.* Nor can one kill them upon another's Lands, the Owner of the Ground having a local Property in them: *2 Salk. 256. Godb. 174.*

Loaches, in Tweed three Months within five Net of le Net or o of taking Treble I he enter shall fifty in le Gloucester for taking of May Pitches for he shall in any R destroy of A&: St appoint the first to be do kill Salm Meadows Skuttle o &c. in t Rack be under th Southamp far as rel mentione Calder, Length f Rivers, 12th of I shall for County- to be for London fr Fish, and appeal to may repa a Net, T

Are t Heir of Boros, I he shal han't Di ward La take or Comma Constab under A in Pain forfeits 5 Ann. Greyho der thei of Game 5 Ann. 9 Ann. See far



The Return from the Chase

PLEAT

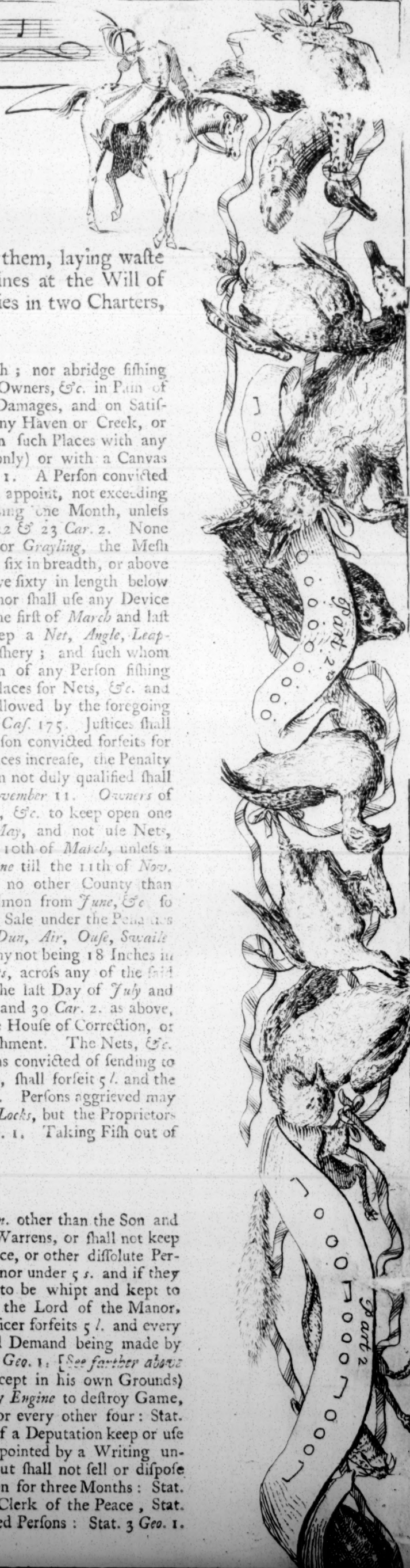
G T A B L E.

by *CANUTE*, who enacted Forest Laws; tho' *WILLIAM the Conqueror* did not regard them, laying waste *Deer* in Forests, punishing Nobility and Gentry with Loss of Eyes and Testicles, levying Fines at the Will of *Canute*, and took up Arms, and forced King *JOHN* to restore them to their antient Liberties in two Charters, in Time to Time by Laws, as will be shewn in this TABLE.

Loaches, Minnows, Bullheads, Gudgeons, or Eals with Nets or Engines, so that no other Fish be taken therewith; nor abridge fishing in *Tweed, Uske, Wye*: Stat. 1 *Eliz.* None shall break down *Fishpond-Heads*, or fish there without Licence of the Owners, &c. in Pain of three Months Imprisonment, and to be bound with Sureties for seven Years, the Party grieved to have treble Damages, and on Satisfaction may procure the Offender's Release: Stat. 5 *Eliz.* None shall erect any Wear along the Shore, or in any Haven or Creek, or within five Miles of any Haven, or willingly destroy or Fry of Fish, in Pain of 10 *l.* nor fish in such Places with any Net of less Mesh than three Inches, and half from Knot to Knot (except for the taking of *Smoulds* in *Norfolk* only) or with a Canvas Net or other Engine, whereby the spawn, &c. may be destroyed, on Forfeiture of the Net and 10 *s.* Stat. Jac. 1. A Person convicted of taking Fish by any Device whatsoever, or aiding, shall make Recompence with such Fine the Justice shall appoint, not exceeding Treble Damages, and to the Poor not exceeding 10 *s.* and for Want, the Offender shall be committed, not exceeding one Month, unless he enter into Bond with the Person injured, not exceeding 10 *l.* and the Justice may destroy the Engines; Stat. 22 & 23 *Car. 2.* None shall fish in the *Severn* with any Net, &c. whereby shall be taken any *Salmon-kind, Trout, Pike, Barbel, Chub, or Grayling*, the Mesh whereof shall be under two Inches and a Half square from Knot to Knot, or above twenty Yards in length and six in breadth, or above fifty in length, and six in breadth, in the Wing of the Net, from *Ripley Lock Stake* to *Gloucester Bridge*; or above sixty in length below *Gloucester Bridge*, and six in breadth in the Wing of the Net, or fish with more than one of those Nets at once; nor shall use any Device for taking the Fry of *Eals*, on Forfeiture of 5 *l.* with the Fish taken, and the Instruments, &c. None between the first of *March* and last of *May* shall do any Act whereby the Spawn of Fish shall be destroyed: Stat. 30 *Car. 2.* No Persons shall keep a Net, Angle, Leap-Pitches for taking of Fish, other than the Maker and Seller thereof, or Owner or Occupier of any River or Fishery; and such whom he shall authorize may seize and keep such Net, &c. to their own Use, which shall be found in the Possession of any Person fishing in any River or Fishery without Consent; and any Person upon a Warrant of one Justice may search suspected Places for Nets, &c. and destroy or keep them to their own Use: Stat. 4 & 5 *W. & M.* None shall keep Net, &c. but such as are allowed by the foregoing Act: Stat. 4 & 5 *Ann.* But every Subject has a Right to fish in any Navigable River with lawful Nets: *Mod. Caf. 175.* Justices shall appoint Overseers to enquire after Offenders, and apprehend them, and destroy their Nets, &c. Every Person convicted forfeits for the first Offence not under 20 *s.* nor above 5 *l.* for the second not under 40 *s.* nor more than 10 *l.* and as the Offences increase, the Penalty to be doubled, and to be paid upon Demand, or be sent to the House of Correction for 3 Months. No Person not duly qualified shall kill *Salmon* or other Fish, and no Person shall kill *Salmon-kind*, by *Hawks, Gins, &c.* after *June 30* till *November 11.* Owners of *Meadows, &c.* to let *Salmon* pass out of *Dykes, &c.* into *Rivers*, and not destroy them; and Owners of *Mills, &c.* to keep open one Skuttle of a Foot square in the Waste-Hatch for *Salmon* to pass from the 11th of *November* to the 31st of *May*, and not use Nets, &c. in the Skuttle during that Term; nor lay any Pots or Nets to catch *Eals* after the first of *January* to the 10th of *March*, unless a Rack be set before them, &c. No *Bouges* or *Sea-Trouts* shall be taken, or *Salmon* sold after the 30th of *June* till the 11th of *Novr.* under the like Penalties, and for default to be sent to the House of Correction: But this Act extends to no other County than *Southampton* and the *Southern Parts of Wilts-shire*: Stat. 4 & 5 *Ann.* and the Clause relating to catching of *Salmon* from *June, &c.* so far as relates to Owners of Fisheries, is repealed; but within that Time they are not to take any to offer to Sale under the Penalties mentioned. Persons destroying the Fry of *Salmon* in *Severn, Dee, Wye, Thames, Were, Tees, Ribble, Mersey, Dun, Ayr, Ouse, Swaile, Calder, Wharf, Eure, Darwent, and Trent*, with Nets, &c. whereby *Salmon*, or any *Kepper* or *Shedder Salmon*, or any not being 18 Inches in Length from the Eye to the Extent of the Middle of the Tail; or who shall erect any Bank, Dam, Hedge, or Nets, across any of the said Rivers, whereby *Salmon* may be hindered from passing to spawn, or take any *Salmon* in those Rivers between the last Day of *July* and 12th of *November*, or who shall after that Day fish for *Salmon* with other Nets, &c. than are allowed by 1 *Eliz.* and 30 *Car. 2.* as above, shall forfeit 5 *l.* for every Offence, besides the Fish, Nets, &c. and for want of Distress to be committed to the House of Correction, or County-Goal, not exceeding three Months, nor less than one, to be kept to hard Labour, and suffer corporal Punishment. The Nets, &c. to be forfeited, and the Banks, &c. to be removed at the Charge of the Offender, to be levied as the 5 *l.* Persons convicted of sending to *London* from any of the said Rivers to Fishmongers or their Agents, or buying or selling *Salmon* less than six Pounds, shall forfeit 5 *l.* and the Fish, and for want of Distress to be committed to hard Labour for three Months, unless the Forfeiture be paid. Persons aggrieved may appeal to the Quarter-Sessions, who may finally determine it. This Act does not extend to any ancient *Wears* or *Locks*, but the Proprietors may repair, rebuild, remove, or take down, as they might have done as if this Act had not been made: Stat. 1 *Geo. 1.* Taking Fish out of a Net, Trunk, or Pond, is Felony, 1 *Vent. 122.*

PERSONS QUALIFIED.

Are to have 100 *l. per Ann.* in their own or Wife's Right for Life, or a Lease of 99 Years of 150 *l. per Ann.* other than the Son and Heir of an Esquire, or Person of a higher Degree, or Lord of a Manor, or Keepers of Parks, Chases, Free Warrens, or shall not keep *Bows, Engines, Ferrets, Greyhounds, Guns, &c.* Stat. 22 & 23 *Car. II.* And if any inferior Tradesman, Apprentice, or other dissolute Person, shall hunt, hawk, fish, fowl, (unless in Company with the Master qualified) shall be fined not exceeding 10 *s.* nor under 5 *s.* and if they have Distress, to be sent to the House of Correction, not exceeding one Month, nor less than ten Days, there to be whipt and kept to hard Labour: Stat. 4 & 5 *W. & M.* If any inferior Officer, or Soldier under his Command, without Leave of the Lord of the Manor, take or destroy any Game, Pigeons, or other Sorts of Fowls, Poultry, or Fish, or his Majesty's Game, every Officer forfeits 5 *l.* and every Commander in Chief for every such Offence committed by a Soldier under his Command, forfeits 20 *s.* and Demand being made by Constables or Overseers, such Officers as shall not in two Days pay the Penalties, forfeits his Commission: Stat. 1 *Geo. 1.* [See farther above under Article HARE.] None shall hawk or hunt with *Spaniels* in standing Corn, or before it is shocked (except in his own Grounds) in Pain of 40 *s.* Stat. 23 *Eliz.* If any Person not qualified keep *Greyhound, Lurcher, Setting-Dog, or Tumbler*, or any Engine to destroy Game, forfeits 5 *l.* and for Want, to be sent to the House of Correction for three Months for the first Offence, and for every other four: Stat. 5 *Ann.* A Person unqualified and not properly a Servant to a Lord or Lady of a Manor, shall not under Colour of a Deputation keep or use *Greyhounds, &c.* to destroy Game, under Pain of the Stat. 5 *Geo. 1.* Game-keepers to Lords of Manors, appointed by a Writing under their Hands and Seals, may seize all Guns, Dogs, &c. from Persons unqualified: Stat. 22 & 23 *Car. 2.* but shall not sell or dispose of Game without Consent of such Lord; and if convicted thereof, shall be committed to the House of Correction for three Months: Stat. 5 *Ann.* No Lord shall appoint more than one Game-keeper in one Manor, and he shall be entered with the Clerk of the Peace, Stat. 9 *Ann.* and must be truly the Servant of a Lord or Lady of a Manor, or be subject to the Statute against unqualified Persons: Stat. 3 *Geo. 1.* [See farther under DEER above.]



Stat. 5 Geo. 1. If any Person disguised shall appear in any Forest, &c. where Deer are kept, or in any Warren where Hares or Conies are kept, or in any Highway, Heath, Common or Down, to hunt, kill, or steal away Deer, or rob any Warren or Place, where Hares or Conies are kept, shall be adjudged guilty of Felony, and suffer Death without Benefit of Clergy; *Stat. 9 Geo. 1.* This Statute continued by *Stat. 6 Geo. 2.* If any hunt, kill, or wound Deer in Forests, Chafes, &c. where Deer are kept, are to be Transported; and if return, to suffer Death without Benefit of Clergy: And if any Person armed come into any Forest, &c. where Deer are kept, with an Intent to course, hunt, &c. Deer, and shall Beat or Wound any Keeper or Page of Forest, Chase, Park, &c. their Servants or Assistants, shall be Transported for seven Years; and if return into Great Britain or Ireland to be adjudged guilty of Felony, and suffer Death without Benefit of Clergy: *Stat. 10 Geo. 2.* He that hath Land adjoining to a Chase may hunt Deer out of his own Grounds with little Dogs, but not with Beagles; and if the Dogs follow into a Chase, and the Owner beat them back, Trespass does not lye: *18 Hen. 6.* If Dogs break their Leash and kill Deer in a Park against the Owner's Will, and he call them back, he shall not be punished; but if he does not what he can to hinder them, it is a Trespass: *48 Ed. 3.* He that steals Tame Deer, knowing them to be so, is guilty of Felony; *2 Inst. 201.* Concealing Deer killed by another is finable by a Justice-Court: *W. Jones 275.* None shall keep Deer-hays or Buck-halls save in his own Forest or Park, in pain of 40 l. for every Month: *Stat. 19 Hen. 7.*

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CONIES.

If any enter Ground kept for breeding of Conies, tho' not inclosed, or chase, take, or kill any, without the Consent of the Owners, shall render treble Damages with Cost, and be Imprisoned three Months, and till they find Sureties for their good Abearing. Persons that kill or take in the Night-time Conies upon the Borders of Warrens, or other Grounds used for keeping of Conies, except Owners, &c. shall make recompence within such Time as shall be appointed by the Justice before whom convicted, and pay the Overseers of the Poor such Sum as he shall think fit, not exceeding 10 s. in default to be committed to the House of Correction for any Time not exceeding a Month; and they that use Snares, or other Engines, to be liable to the same Penalty: *Stat. 22, 23 Car. 2.* If a Man makes Coney-burrows in his own Ground, if the Conies run into his Neighbour's he may kill them, but it is otherwise if they are killed by those who have a Right of Common only: *Godb. 122. 2 Leon. 201. Cro. Eliz. 876. Owen 114.* A Man who has a Right of Common can't fill up Burrows: *2 Cro. 229.* But if Conies multiply so fast, that another can't have his Right, he may have an Action upon the Case: *1 Lutw. 107.* Nor can one kill them upon another's Lands, the Owner of the Ground having a local Property in them: *2 Salk. 256. Godb. 174.*

BEASTS of PREY.

As Foxes, Badgers, &c. the Law warrants Hunting in others Grounds: *Poph. 163.* but it is not lawful to dig to unearthen them: *2 Cro. 321. 2 Bulst. 60.*

BIRDS.

None shall kill or take Pheasants or Partridges with Engines in another's Ground without Licence, Penalty 10 l. *Stat. 11 Hen. 7.* Nor with Net or Engine in the Night, or forfeit for every Pheasant 20 s. Partridge 10 s. or suffer one Month's Imprisonment, and enter into a Bond with Sureties for good Behaviour; the Forfeiture to be recorded, and divided between the Lord of the Manor and Prosecutors; and if the Lord dispense with the Offender, to be recovered by the Church-Wardens for the Poor. Justice of Assize and Sessions, and Stewards of Leets, have Power to determine Offences; and one Justice may bind over such Offender with Sureties to the General Sessions, if it be not determined in a Leet before; but this does not restrain Fowlers who unwillingly take Pheasants and Partridges, and forthwith let them go: *Stat. 23 Eliz.* Every Person convicted before two Justices to have killed or taken Pheasant, Partridge, Duck, Hare, Pigeon, Hare, or other Game, shall be committed to Prison without Bail, unless he immediately pay to the use of the Poor 20 s. for every Fowl or Hare; and after one Month's Commitment shall before two Justices be bound with two Sureties in 20 l. apiece never to offend again. None shall sell, or buy to sell again, Pheasant, &c. (except Pheasants by him reared up, or brought from beyond Sea) in Pain of 40 s. for a Deer, every Hare 10 s. Pheasant 10 s. Partridge 10 s. This Act does not restrain one licenced in Sessions to kill Hawks-meat, who must be bound in 20 l. not to kill prohibited Game, nor shoot within 600 Paces of a Hermy, and 100 of a Pigeon-house, or in a Park, Forest, or Chase, whereof his Master is not the Owner: *Stat. 1 Jac. 1.* A Person convicted before two Justices to have hawked or destroyed Pheasants, &c. betwixt the first of July and last of August, to suffer one Month's Imprisonment without Bail, unless he forthwith pay to the Poor 40 s. for every time Hawking, and 20 s. for every Pheasant, &c. so destroyed, or by Dogs, Nets, or Engines, and be bound in 20 l. never to offend again: *Stat. 7 Jac. 1.* None but the King's Son shall have Swans, unless he has a Freehold of five Marks a Year, or may have them seized by any having Lands of that Value: *Stat. 22 Ed. 4.* Swans swimming in common and gained their Liberty, may be seized for the King's use; but a Subject may have a Property in them swimming in his own River, and if they get into a common River he may retake them. Cygnets shall be equally divided between the Owners of the Swans; but upon the River Thames the Owner of the Land where they have their Nests shall have a Third: *7 Coke.* Stealing of Swans marked and pinioned, or unmarked, if kept in a Mote or private River, and reduced to Tameness, is Felony: *Hawk. Pl. 1. B. 94.* No Fowl can stray but a Swan: *4 Inst. 280.* None shall take an old Heron, except in his own Ground, in Pain of 6 s. 8 d. nor a young Heron in Pain of 10 s. Any Man may sue, and two Justices in Sessions commit to Prison till paid: *Stat. 19 Hen. 7.* No Person between the first of July and first of September shall by Hays, Tunnels, or other Nets take any Wild-Duck, Teal, Widgeon, or other Water-Fowl in Places of resort for Wild-Fowl in moulting Season, on forfeiture of 5 s. for every Fowl, or to be committed to the House of Correction, not exceeding one Month, nor less than fourteen Days, to be Whipt and kept at hard Labour, and the Justice shall cause the Nets, &c. to be destroyed in his Presence: *Stat. 9 Ann.* A Hawk taken up shall be delivered to the Sheriff; who after Proclamation (if challenged) shall deliver it to the Owner, he paying the Charge of keeping, &c. *Stat. 34 Ed. 3.* He who steals and carries away a Hawk, not observing the aforesaid Statute, shall be a Felon: *Stat. 37 Ed. 3.* None shall kill or fright Hawks from their Coverts, where they used to Breed, in Pain of 10 l. None shall take the Eggs of Falcon, Lanner, or Swan, in Pain of a Year and a Day's Imprisonment, and Fine at the King's Pleasure: *Stat. 11 Hen. 7.* Or destroy Eggs of any Wild-Fowl, in Pain of paying for Egg of Crane or Bustard 20 d. Bittern, Heron, or Shovelard, 8 d. Mallard, Teal, and other Wild-Fowl, 1 d. *Stat. 25 Hen. 8.* Those that take Hawks Eggs, to suffer three Month's Imprisonment, and be bound with Sureties for seven Years: *Stat. 5 Eliz.* Every Person convicted before two Justices to have destroyed Eggs of Pheasants, Partridges, or Swans, to be committed to Prison for three Months, without Bail, unless he pay 20 s. for every Egg, and after one Month to be bound with Sureties in 20 l. each: *Stat. 1 Jac. 1.* If any between the First of June and First of October, by Hays, Nets, &c. drive or take any Wild-Duck, Teal, Widgeon, or other Water-Fowl in any Places of Resort, shall be subject to the Act for taking of Water-Fowl: *Stat. 10 Geo. 2.* For Tythes of Game, see the COMPLETE TYTHING TABLE, and for Penalties upon Higlers, &c. see under HARES above.

FISH.

None shall take Salmon betwixt the 8th of September and the 11th of November; nor young Salmon with Net or Engines at Mill-Pools, betwixt the midst of April and 20th of June; for the first Offence the Nets to be burnt; for the second a Quarter of a Year's Imprisonment; for the third a Year's; to be increased according to the Trespass. Nor shall any one take Salmon in Lan'ashire, between Michaelmas and Candlemas: *Stat. West.* Justices are Conservators with Power to search all Weirs, and appoint Under-Conservators; and the Mayor of London hath the like Power in the Thames and Medway: *Stat. Rich. 2.* None shall fasten Trunks or Nets over Rivers to the Destruction of the Fry, in Pain of 5 l. but may draw them at seasonable Times without fastning, every Right of Fishing is saved: *Stat. 2 Hen. 6.* None shall use Net or Engine to destroy Spawn or take Salmon or Trout out of Season, or Pike shorter than 10 Inches, Salmon 16, Trouts 8, Barbels 12, or use any other Engine than Angle, Net, or Trammel of two Inches and half Mesh, on Pain of 20 s. and Fish, Net, or Engine: And Stewards of Leets to give this Statute in Charge, in Pain of 40 s. and if the Jury wilfully forbear to present Offences, a New one shall be impannelled, and the First fined 20 s. apiece. This does not restrain taking of Smelts,



Mendous, &c. to let Salmon pass out of Dykes, &c. into Rivers, and not destroy them; and Owners of Mills, &c. to keep open one Skuttle of a Foot square in the Waile-Hatch for Salmon to pass from the 11th of November to the 31st of May, and not use Nets, &c. in the Skuttle during that Term; nor lay any Pots or Nets to catch Eals after the first of January to the 10th of March, unless a Rack be set before them, &c. No Bouges or Sea-Trouts shall be taken, or Salmon sold after the 30th of June till the 11th of Nov. under the like Penalties, and for default to be sent to the House of Correction: But this Act extends to no other County than Southampton and the Southern Parts of Wilts-shire: Stat. 4 & 5 Ann. and the Clause relating to catching of Salmon from June, &c. so far as relates to Owners of Fisheries, is repealed; but within that Time they are not to take any to offer to Sale under the Penalties mentioned. Persons destroying the Fry of Salmon in *Sewern, Dee, Wye, Thames, Were, Tees, Ribble, Mersey, Dun, Aire, Ouse, Swaile, Calder, Wharfe, Eure, Darwent, and Trent*, with Nets, &c. whereby Salmon, or any Kepper or Shedder Salmon, or any not being 18 Inches in Length from the Eye to the Extent of the Middle of the Tail; or who shall erect any Bank, Dam, Hedge, or Nets, across any of the said Rivers, whereby Salmon may be hindered from passing to spawn, or take any Salmon in those Rivers between the last Day of July and 12th of November, or who shall after that Day fish for Salmon with other Nets, &c. than are allowed by 1 Eliz. and 30 Car. 2. as above, shall forfeit 5 l. for every Offence, besides the Fish, Nets, &c. and for want of Distress to be committed to the House of Correction, or County-Goal, not exceeding three Months, nor less than one, to be kept to hard Labour, and suffer corporal Punishment. The Nets, &c. to be forfeited, and the Banks, &c. to be removed at the Charge of the Offender, to be levied as the 5 l. Persons convicted of sending to London from any of the said Rivers to Fishmongers or their Agents, or buying or selling Salmon less than six Pounds, shall forfeit 5 l. and the Fish, and for want of Distress to be committed to hard Labour for three Months, unless the Forfeiture be paid. Persons aggrieved may appeal to the Quarter-Sessions, who may finally determine it. This Act does not extend to any ancient Weirs or Locks, but the Proprietors may repair, rebuild, remove, or take down, as they might have done as if this Act had not been made: Stat. 1 Geo. 1. Taking Fish out of a Net, Trunk, or Pond, is Felony, 1 Vent. 122.

PERSONS QUALIFIED.

Are to have 100 l. per Ann. in their own or Wife's Right for Life, or a Lease of 99 Years of 150 l. per Ann. other than the Son and Heir of an Esquire, or Person of a higher Degree, or Lord of a Manor, or Keepers of Parks, Chafes, Free Warrens, or shall not keep *Bovus, Equus, Ferrets, Greyhounds, Guns, &c.* Stat. 22 & 23 Car. II. And if any inferior Tradesman, Apprentice, or other dissolute Person, shall hunt, hawk, fish, fowl, (unless in Company with the Master qualified) shall be fined not exceeding 10 s. nor under 5 s. and if they have Distress, to be sent to the House of Correction, not exceeding one Month, nor less than ten Days, there to be whipt and kept to hard Labour: Stat. 4 & 5 W. & M. If any inferior Officer, or Soldier under his Command, without Leave of the Lord of the Manor, take or destroy any Game, Pigeons, or other Sorts of Fowls, Poultry, or Fish, or his Majesty's Game, every Officer forfeits 5 l. and every Commander in Chief for every such Offence committed by a Soldier under his Command, forfeits 20 s. and Demand being made by Constables or Overseers, such Officers as shall not in two Days pay the Penalties, forfeits his Commission: Stat. 1 Geo. 1. [See farther above under Article HARE.] None shall hawk or hunt with *Spaniels* in standing Corn, or before it is shocked (except in his own Grounds) in Pain of 40 s. Stat. 23 Eliz. If any Person not qualified keep *Greyhound, Lurcher, Setting-Dog, or Tumbler*, or any Engine to destroy Game, forfeits 5 l. and for Want, to be sent to the House of Correction for three Months for the first Offence, and for every other four: Stat. 5 Ann. A Person unqualified and not properly a Servant to a Lord or Lady of a Manor, shall not under Colour of a Deputation keep or use *Greyhounds, &c.* to destroy Game, under Pain of the Stat. 5 Geo. 1. Game-keepers to Lords of Manors, appointed by a Writing under their Hands and Seals, may seize all Guns, Dogs, &c. from Persons unqualified: Stat. 22 & 23 Car. 2. but shall not sell or dispose of Game without Consent of such Lord; and if convicted thereof, shall be committed to the House of Correction for three Months: Stat. 5 Ann. No Lord shall appoint more than one Game-keeper in one Manor, and he shall be entered with the Clerk of the Peace, Stat. 9 Ann. and must be truly the Servant of a Lord or Lady of a Manor, or be subject to the Statute against unqualified Persons: Stat. 3 Geo. 1. [See farther under DEER above.]

FOREST.

Is a Territory of Woods and Pasture for Beasts kept for the Pleasure of the King, bounded with Marks, with Vert. Offenders in this Kind are severely punished, 4 Inst. 317. Manw. 354, 359, 360, 407. It has particular Laws with Officers, as Lord Chief Justice in Eyre, who by himself or Deputy may hold a Justice-Seat, which is a Court of Record to determine all Causes in Forests, 4 Inst. 291. Verderers are chose by the Freeholders, and are judicial Officers, as is a Steward, who is to join and direct them in their Proceedings, and to give Charge at the Swainmote, 4 Inst. 310. Rangers, to keep the Deer in Safety in the *Perlieus*. Reguarders, which must be 12, to make a Reguard of Offences, and to bring their Roll into Court, and certify, and present the same to the Lord Chief Justice: Manw. 317, 320, 321, 324, & 328. The Chief Warden has the principal Government of all Things, and the Choice of other Officers; and next to the Chief Justice can discharge or bail Offenders, but he is not a judicial Officer: He may make a Deputy, and wherever there is a Castle in a Forest he is Constable of it: 4 Inst. 313. A Forester is sworn to preserve Vert and Venison, to attend the Beasts, attach Offenders, and present Offences; but forfeits his Office if he hunts or kills Deer without a Warrant, or for Negligence: Manw. 164, 165. A Forester, Parker, or Warrener shall not be questioned for killing a Trespasser, who (after the Peace cried unto him) will not yield himself, so it be not done out of some other Malice: Stat. 21 Ed. 1. No Forester or Minister of a Forest shall gather Victuals or other Things by virtue of his Office, as is not due of old Right. There are also several inferior Officers, as *Beadels, Agistors, Woodwardes, &c.* who are to take Care of the Vert and Venison, and present Trespasses, &c.

CHASES.

Have not so many Liberties or Officers as Forests, and are not inclosed as a Park, but have Meets and Bounds. It is not lawful to make a Chase, Park, or Warren without License under the Broad-Seal: Wood's Inst. 207. They are governed by common Law: 4 Inst. 314. In a Chase the Owner may cut down Timber without View, tho' he must not destroy all the Covert: W. Jones 276. 2 Crok. 155. 4 Inst. 298. And may have Feeding for Sheep and Conies, but must not surcharge it: 2 Crok. 22.

PERLIEUS.

Are such Grounds as were disforested by Chart. Forest. c. 3. The Owners may use their Timber and Land as if they had never been afforested: 4 Inst. 303. Manw. 301. And the Owner of such Land, if qualified, may hunt, but not in the Night, nor Fence-Month, nor oftner than three Times a Week, and then with his own Servants only; nor forty Days before or after the King, nor forestall, or hunt out of Season: Manw. 297, &c. If his Dog fastens on a Deer before he recovers the Boundaries of the Forest, and kill the Deer, the *Perlieu-Man* may enter, and carry away the Deer: Manw. 297.

PARKS.

By Right should be by Grant or Prescription inclosed for Beasts of Chase, but being Grounds inclosed where Deer are usually kept are within the Stat. 3 & 4 W. & M. Trespassers in Parks and Fish-Ponds shall give treble Damages, suffer three Years Imprisonment, be fined at the King's Pleasure, and give Sureties never to offend again; and if they do, to abjure the Realm, or if fugitive, shall be out-lawed: Stat. West. c. 20. If any Person shall in the Night-time pull down, destroy, or cause to be pulled down, Pales or Walls of any Park, &c. shall suffer three Months Imprisonment: Stat. 3 & 4 W. & M. and shall be subject to the Penalties of the Stat. 4 & 5 W. & M. For killing one Deer, see DEER above, by Stat. 5 Geo. 1.

WARREN.

Is a Franchise for Preservation of Beasts and Birds, as *Hares, Conies, &c.* Pheasant, Partridge, Quail, Rail, Mallard, Woodcock, Harn, &c. There is no Necessity for inclosing it, but is not good in a Forest unless allowed in Eyre: W. Jones 280. If a Hawk pursues a Pheasant into a Warren, the Owner can't justify Entry, and taking both; but it is otherwise if it was not a Warren: 2 Roll. Abridg. 567.

FISH-PONDS.

See PARKS. Breaking down or destroying the Head of any Pond, Moat, Dam, Stew, or Pit, where Fish are put, or wrongfully fishing in them, &c. shall be imprisoned for three Months, pay treble Damages, and give Security for seven Years: Stat. 5 Eliz. Armed or disguised, and breaking down the Head of any Fish-Pond, or to rescue such Offender, or join with in such unlawful Act, is guilty of Felony without Benefit of Clergy: Stat. 9 Geo. 1.

PENALTIES of GAME-LAWS.

Are to be levied by Distress, and generally one Half is to the Informer; but if a Verdict passes for the Defendant, or the Plaintiff is non-suited, the Defendant shall have treble Cost, by a like Remedy as any Defendant hath in any other Case in Law: Stat. 3 & 4 W. & M. And every Offence against that Statute does not attain Blood, or cause Forfeiture of Lands, &c. All Laws for Preservation of Game shall remain in Force: Stat. 13 Geo. 1. Where any Person shall be liable to pay any Penalty, it is lawful for any other Person to recover with double Costs. Provided the Suit is commenced before the next Term after the Offence committed: Stat. 8 Geo. 1.



F. Patton in & sc

